REMARKS

The Final Office Action mailed November 15, 2009 has been reviewed and reconsideration of the above-identified application in view of the amendments and following remarks, is respectfully requested

Claims 1-18, 20, 21 and 23 are pending and stand rejected.

Claims 1, 11, 13, 14, 15, 16, 17, 18, 20, 21 and 23 have been amended.

Claims 1, 11, 13, 14, 15, 16, 17, 18, 20, 21 and 23 are independent claims.

Claim 6 has been cancelled without prejudice.

Claims 1-5, 7, 8, 10-18, 20, 21 and 23 stand rejected under 35 USC 103(a) as being unpatentable over Yamaguchi (US2001/0042252) in view of Coupe (US2002/0064189) and further in view of Raike (US2002/0025045). Claim 6 stands rejected under 35 USC 103(a) as being unpatentabe over Yamaguchi in view of Coupe and Raike and further in view of Hobrock (US2004/0247122). Claim 9 stands rejected under 35 USC 103(a) as being unpatentabe over Yamaguchi in view of Coupe and Raike and further in view of Nakagawa (US2001/0028725).

With regard to the rejection of the independent claims 1, 11, 13, 14, 15, 16, 17, 18, 20, 21 and 23 as being unpatentable over the combination of Yamaguchi, Coupe and Raike, applicant respectfully disagrees with and explicitly traverses the rejection of the claims.

In maintaining the rejection of the claims, the Office Action refers to Yamaguchi for teaching the elements of the claims except that Yamaguchi does not specifically disclose the elements of an alteration of the ID such that the altered ID data renders the type of data in the at least one stream unrecognized; and partly encrypting the data segments, leaving the ID segment unencrypted (although Yamaguchi does disclose 'Encryption ... is performed separately for each TP ... containing video data and audio data.' (see OA, page 4).

The Office Action refers to Coupe for teaching at least the element of an alteration of ID (i.e., replacement PID value [0062] such that the altered ID (i.e.,

null PID [0062] renders the type of data in the at least one stream unrecognized (null PID replacement value does not identify stream data as audio or video [0062] but only designates packet data to be discarded. Furthermore, the analogous art Raike which addresses the same field of endeavor in encryption and transmission of audio and video data packet streams, does disclose partly encrypting the data segments (encrypting packet payload [0035], leaving the ID segment (packet header information with ID tag [0029] and [0035] unencrypted. (see OA, page 4-5).

However, contrary to the assertions made in the Office Action, applicant respectfully disagrees with and explicitly traverses he rejection of the claims.

Coupe discloses a system wherein two data steams may be incorporated into a single transport stream. In this case, the packet identifiers of each data stream are replaced to provide a unique identifier for each data stream to avoid a conflict between the two data streams. The replacement of identifiers is performed using a look-up table wherein when a match for an ID is found a replacement value for the ID is determined from the look-up table. However, when a match is not found, then a null ID is inserted into the data stream to identify that the packet is to be discarded.

The Office Action refers to the discarding of the packet based on the null packet ID as being comparable to the element of rendering the packet "unrecognizable," as it is not known whether the packet is either an audio or a video packet. ("[i]t would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to modify the invention of Yamaguchi with the teachings of Coupe and Raike to include an alternation of the ID data such that the altered ID data renders the type of data in the at least one stream unrecognized and partly encrypting the data segments, leaving the Id segment unencrypted as claimed because the use of Coupe and Raike could provide Yamaguchi the ability to partially encrypt an audio and video data stream (Yamaguchi [0008] and replace the PID values for certain data packet streams with null values (Coupe [0062] while not encrypting the packet header segments containing the ID information ...);" (see OA, page 6).

Thus, Coupe discloses replacing the PID value to provide a unique PID value so that two data streams may be incorporated into a signal transport stream. The replaced PID values provide for an identification of both the data stream and the type of data in the stream. However, a null PID is one that is known to represent a packet that is to be discarded. ("The null PID flags the packet for discarding at a later point by the transport demultiplexor." (see para. 0062)).

Thus, each of the replaced PIDs are packets of data causes the type \of data to be recognized and those packets including the null PIDs are also recognized as being a type of data to be discarded.

Couple does not disclose the element of an "altered ID data renders the type of data in the at least one stream unrecognized," as is recited in the claims. Rather, the PID of Couple is used to identify the data stream and the type of data in the transport stream, even when the type of data is to be discarded.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations. The Court in _KSR v. Teleflex_ (citation omitted) has held that the teaching, suggestion and motivation test (TSM) is merely to be used as a helpful hint in determining obviousness and a bright light application of such a test is adverse to those factors for determining obviousness enumerated in _Graham v. John Deere_ (i.e., the scope and content of the prior art, the level of ordinary skill in the art, the differences between the claimed invention and the prior art and objective indicia of non-obviousness) (citation omitted).

In this case, the combination of the cited references fails to disclose a material element recited in the independent claims and thus, each of the independent claims is not rendered obvious by the cited references.

For at least this reason, application submits that the rejection of the independent claims has been overcome.

With regard to the remaining claims, each of these claims depends from one of the independent claims and, hence, these claims are also not rendered obvious in view of the cited references by virtue of their dependency upon an allowable base claim.

Notwithstanding the argument presented above, applicant has amended the claims to more clearly present the invention claimed. More specifically, the independent claims have been amended to recite that the alteration of the ID data involves altering at least one unused element of the ID data so as to render the type of data unrecognizable, while maintaining the predetermined ID data. No new matter has been added. Support for the amendment may be found at least in tables 2 and 3, wherein the modified (or altered ID data) is determined by altering an unused element (as represented by "xxxx," which is a standard terminology in computer design) of the predetermined ID data while the predetermined ID data is maintained or recognized within the altered ID data.

Neither Coupe nor Raike disclose an alteration of the PID. Rather a replacement of the original PID is disclosed as the original PID values are re-mapped based on the values in the look-up table. Coupe fails to provide any teaching regarding the values in the look-up table. Hence, Coupe fails to disclose that the replaced PID maintains the original PID (ID) value, as is recited in the claims.

Hobrock discloses a system wherein PID values are mapped into ranges using a tagging function from which new PID values may be obtained. From the new PID values the original PID values may then be obtained by performing an unmapping function.

However, Hobrock fails to provide any teaching or suggestion that the new PID values are constructed to "maintain the pre-determined ID data," as is recited in the claims.

Although Hobrock discloses that "[s]pecific values in each range of new PID values correspond to specific 'original' PID values prior to replacement. The process of replacing original PID values with new PID values can be accomplished, for example, by means of look-up tables of each stream that map original PID values to new PID values in the appropriate range of new PID values." (see para. 0060), Holbrock fails to discloses how the ranges are obtained or that specific values in the ranges maintain corresponding original values.

Accordingly, none of the cited references provides any teaching regarding the implementation of altering the ID data while maintaining the pre-determined ID data, as is described in the clams.

For at least this reason also, applicant submits that the reason for the rejection of the independent claims and the claims dependent therefrom has been overcome.

With regard to the rejection of claims 6 and 9 as being unpatentalbe over Yamaguchi in view of Raike and further in view of Hobrock and in view of Nakagawa, respectively, applicant submits that applicant has request that claim 6 be cancelled as the amendments made to the independent claims recite in broader terms the subject matter of claim 6 and Nakagawa fails to provide any teaching that would overcome the deficiency found to exist in the combination of Yamaguchi and Raike. Accordingly, the rejection of claim 6 is no longer

applicable and the subject matter recited in claim 9 is not rendered obvious by the combination of the cited references.

For at least this reason, application submits that the rejection of the aforementioned dependent claims has been overcome.

For the amendments made to the claims and for the remarks made herein, applicant submits that the reason for the rejection of the claims has been overcome and respectfully requests that the rejection be withdrawn and a Notice of Allowance be issued.

In order to advance the prosecution of the matter, applicant respectively requests that any additional errors in form that do not alter the substantive nature of the arguments presented in the instant Office Action Response be transmitted telephonically to the applicant's representative so that such errors may be quickly resolved or pursuant to MPEP 714.03 be entered into the record to avoid continued delay of the prosecution of this matter any further.

MPEP 714.03 affords the Examiner the discretion, pursuant to 37 CFR 1.135 (c), to enter into the record a bona fide attempt to advance the application that includes minor errors in form.

> "[a]n Examiner may treat an amendment not fully responsive to a non-final Office Action by: (A) accepting the amendment as an adequate reply to the non-final Office action to avoid abandonment ... (B) notifying the applicant that the reply must be completed... (C) setting a new time period for applicant to complete the reply ...

> The treatment to be given to the amendment depends upon:
> (A) whether the amendment is bona fide; (B) whether there is sufficient time for applicant's reply ... (C) the nature of the deficiency.

Where an amendment substantially responds to the rejections, objections or requirements in a non-final Office action (and is bona fide attempt to advance the application to final action) but contains a minor deficiency (e.g., fails to treat every rejection, objection or requirement), the examiner may simply act on the amendment and issue a new (non-final or final) Office action. The new Office action may simply reiterate the rejection, objection or requirement not addressed by the amendment (or otherwise indicate that such rejection, objection or requirement is no longer applicable).

This course of action would not be appropriate in instances in which an amendment contains a serious deficiency (e.g., the amendment is unsigned or does not appear to have been filed in reply to the non-final Office action)..."

Although the instant Office Action has been made Final, applicant respectfully requests that the amendments to the claims be entered as no new matter has been entered that would require a new search.

In addition, applicant requests that any minor errors in form be resolved in a telephonic manner to expedite any additional actions required on the part of the applicant.

Applicant denies any statement, position or averment stated in the Office Action that is not specifically addressed by the foregoing. Any rejection and/or points of argument not addressed are moot in view of the presented arguments and no arguments are waived and none of the statements and/or assertions made in the Office Action is conceded.

Applicant makes no statement regarding the patentability of the subject matter recited in the claims prior to this Amendment and has amended the claims

solely to facilitate expeditious prosecution of this patent application. Applicant respectfully reserves the right to pursue claims, including the subject matter encompassed by the originally filed claims, as presented prior to this Amendment, and any additional claims in one or more continuing applications during the pendency of the instant application.

The Examiner is invited to contact applicant's representative at the telephone number listed below to resolve any procedure issues or other issues that would expedite the prosecution of this matter on the merits.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

Michael E. Belk. Reg. No. 33357

Date: May 23, 2010

/Carl A. Giordano/

By: Carl A. Giordano
Attorney for Applicant
Registration No. 41,780

Mail all correspondence to:
Michael E. Belk
US PHILIPS CORPORATION
P.O. Box 3001
Briarcliff Manor, NY 10510-8001
Phone: (914) 333-9643
Fax: (914) 332-0615

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being
[   ] Transmitted electronically using the currently available EFS system;
[   ] Transmitted by facsimile to 571 273 8300;
[   ] Placed with the US Postal Service with First Class postage attached to the address indicated above;
on May _____, 2010.

_____   _____
    Print Name   Signature